

Edwards Ref: RMI-5743
(formerly 261/151)

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed July 2, 2004, is respectfully requested. Claims 11-17 remain pending in this case.

Art Rejections

Claims 11-14 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Tsugita et al. (U.S. Patent No. 5,910,154). Claims 11, 12, 14, 15, and 17 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Don Michael et al. (U.S. Patent No. 6,485,502). Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tsugita in view of Don Michael.

Independent claim 11 sets forth "*a mechanism for expanding the first filter independently of the second filter*" and "*a mechanism for expanding the second filter independently of the first filter*." (emphasis added) Applicants respectfully note that Tsugita does not teach or suggest a device with the above-mentioned mechanisms. Instead Tsugita discloses that the sponge-like devices are introduced into the blood vessel by pushing the guidewire distally. (See Col. 13, lines 33-35). Applicant submits that such a mechanism for deployment does not allow for the independent deployment of each filter. For instance, the proximal filter could not be deployed independently of the distal filter.

Independent claim 11 also sets forth "*a first expandable filter mounted at the distal end of the elongate member*" and "*a second expandable member mounted at the distal end of the elongate member*." (emphasis added) The examiner alleges that "Don Michael discloses a device in Figure 4B that includes first and second expandable filters (4, 14) mounted on an elongate wire (2)." Don Michael, however, does not teach or suggest a device with the above-

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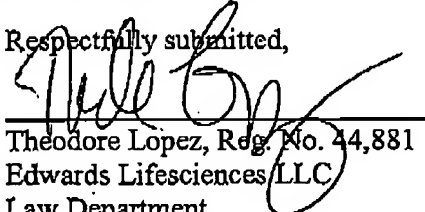
mentioned characteristics, but instead discloses a device having two filters mounted on separate guidewires. As described in the '502 patent, "[f]ilter 4 has a tip, or apex, that is fixed to guide wire 2" (Col. 4, line 16, emphasis added) and "[p]roximal filter 14 has an apex provided with a ring 16 through which guide wire 2 is inserted when the second unit is still located outside of the patient's body, in order to guide the second unit into the blood vessel up to the treatment site. Second guide wire 12 is secured to ring 16." (Col. 5, lines 46-50, emphasis added) Therefore, proximal filter (14) and distal filter (4) cannot be mounted on the same guide wire because guide wire 2 is inserted through the apex of the proximal filter through ring 16.

Claim 11 is therefore patentably distinct from the cited art. Claims 12-17 are dependent on claim 11 and are therefore patentably distinct from the cited art for the same reasons applicable to claim 11. Therefore, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited.

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Respectfully submitted,


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